

**A LOOK AT  
INSTRUMENTS WHICH ADDRESS THE RIGHTS OF  
YOUTH IN JAMAICA**

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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>INTRODUCTION/BACKGROUND</b>	<b>2</b>
<b>IMPORTANT DEFINITIONS</b>	<b>4</b>
<b>EXISTING INTERNATIONAL INSTRUMENTS WHICH ADDRESS YOUTH RIGHTS</b>	<b>5</b>
<b>International Human Rights Conventions/Covenants</b>	<b>5</b>
International Covenant on Civil and Political Rights	6
International Covenant on Economic, Social and Cultural Rights	6
The Convention on the Elimination of all Forms of Discrimination Against Women	7
The Convention on the Rights of the Child	8
<b>Conferences Which Address Issues Impacting on Youth</b>	<b>8</b>
United Nations Conference on Environment and Development	9
World Conference on Human Rights	10
Global Conference on the Sustainable Development of Small Island Developing States	10
International Conference on Population and Development	10
World Summit for Social Development	10
United Nations Conference on Human Settlements	11
Fourth World Conference on Women	11
<b>REGIONAL INSTRUMENTS</b>	<b>11</b>
CARICOM Youth Desk	11
Commonwealth Youth Programme: Caribbean Programme	12
<b>NATIONAL INSTRUMENTS</b>	<b>12</b>
The National Youth Policy	13
The National Poverty Eradication Policy	13
<b>DISCUSSION</b>	<b>14</b>
<b>RECOMMENDATIONS</b>	<b>18</b>
<b>APPENDICES</b>	<b>21</b>
A: International Covenant on Civil and Political Rights	21
B: International Covenant on Economic, Social and Cultural Rights	40
C: The Convention on the Elimination of all Forms of Discrimination Against Women	51
D: The Convention on the Rights of the Child	64
<b>BIBLIOGRAPHY</b>	<b>85</b>

## LIST OF ABBREVIATIONS

CARICOM	Caribbean Common Market and Community
CBO	Community Based Organisation
COHSOD	CARICOM Council for Human and Social Development
CRC	Convention on the Rights of the Child
CYP	Commonwealth Youth Programme
FWCW	Fourth World Conference on Women
GOJ	Government of Jamaica

HEART	Human Employment and Resource Training Trust
ICPD	International Conference on Population and Development
JCDC	The Jamaica Cultural Development Commission
MOEC	Ministry of Education and Culture
NGO	Non-governmental organisation
NYS	National Youth Service
PIOJ	Planning Institute of Jamaica
STEP	Special Training and Empowerment Programme
SIDS	Global Conference on the Sustainable Development of Small Island Developing States
UNCED	United Nations Conference on Environment and Development
UNCHS	United Nations Conference on Human Settlements
WSSD	World Summit for Social Development

## EXECUTIVE SUMMARY

Available data show that approximately 18% of the world's population comprise young people between fifteen and twenty four years of age - commonly classified as youth. More and more, nations are taking action to ensure that this large proportion of their population is involved in national decision making, particularly on issues which directly affect their lives. Additionally, it is being recognised that successful transition into adulthood is critical for the sustained development and existence of any nation.

In looking at issues affecting youth there is no single document which addresses rights and interests of youth, as is the case with children where there is the Convention on the Rights of the Child (CRC), which protects the rights and interests of children. However, a number of instruments exist which provide protection for the rights of youth and address issues which affect this category of the population. Some of these instruments are legally binding, in international law, while others are not. Such instruments can be found at the international, regional and national levels. Instruments emanating from international and regional conferences, are not legally binding and are sometimes referred to as consensus documents. They represent declarations of consensus by participating nations on issues which affect human life and well being.

At the international level under the auspices of the United Nations, there are four main human rights conventions which provide for the protection of rights for all human beings. Youth as human beings, are entitled to enjoy all existing human rights and are therefore protected under these conventions. The four conventions are: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child. These conventions legally bind all governments and nations which have signed and ratified them, to ensure that national laws, policies and practices conform to the standards they set out.

Generally, the above Conventions seek to protect an individual's political, civil, economic, social and cultural rights. Political and civil rights include the right to life, freedom of speech, freedom from arbitrary arrest, and the presumption of innocence in legal matters. Other conventions cover the right to:- work, social security, adequate standard of living, enjoy the highest attainable standard of physical and mental health, and education. All these rights are available to young people, in addition to others which are directly applicable to them.

In addition to the above Conventions, there are a number of important international conferences which can be used to interpret youth rights. These conferences address issues of the environment and sustainable development, population growth, social development, urbanisation and human rights. While the documents emanating from such conferences are not legally binding, the issues and areas addressed are of most pressing concern to human survival and well being worldwide. These issues not only affect the lives of young people, but many of these consensus documents include separate sections which directly address the youth and their participation in the decision making process of their nation.

Other instruments or consensus documents emanate from regional conferences and meetings, such as CARICOM and the Commonwealth Youth Programme. At the national level there is the National Youth Policy and sectoral documents such as the National Poverty Eradication Policy, which target youth as a specific category. All such instruments address matters affecting youth and can be seen as providing some protection of the rights of this category of the population.

In the case of Jamaica, the nation has signed and ratified four human rights conventions and has participated in CARICOM and the Commonwealth Youth Ministers conferences from time to time. At the national level, a National Youth Policy exists. Such involvement and action are indicative of some level of commitment to the development of the youth of this nation. The existence of certain youth development programmes such as the National Youth Service; the Human Employment and Resource Training (HEART) Trust, indicate that the nation has moved beyond simply ratifying or endorsing consensus documents, to the implementation stage of commitment.

Two common themes which occur in all of the above-mentioned instruments or consensus documents, is the need for governments to ensure that an enabling environment exists to facilitate the realisation of commitments and therefore youth development; and the necessity to involve youth in the national decision making and policy development process, particularly in matters which will affect their lives. With respect to both of the above themes, there is much room for improvement.

In Jamaica, an important start has already been made with the development of the National Youth Policy, and the signing and ratifying of important international human rights instruments. However, even within the context of the existing difficult economic climate, greater action needs to be taken to put issues of youth on the 'front burner' - sustainable development of any nation cannot take place based on ad hoc programmes targeting its youth population.

## **INTRODUCTION/BACKGROUND**

In 1995, it was estimated that approximately 18% of the world's population comprised young people between ages 15 and 24 years. According to the United Nations General Assembly, the majority of these people live in developing countries. Living in different parts of the world, at different stages of development and in different socio-economic situations, they all aspire to live full lives in their society. It is increasingly being recognised that this formidable group is critical to the sustained existence and development of the communities and nations in which they live, and indeed the world.

In Jamaica, young people (15-24 years) represent approximately one fifth (19%) of the total population; persons 15-29 years comprise 28% of the population; and children and young persons less than 30 years (that is 0-29 years) comprise more than half (59.0%) of the nation's total population (Demographic Statistics:1998). Clearly, Jamaican youth represent an important category of human resource, which requires the investment of adequate resources and the initiation of proactive policies and programmes, to ensure development which will benefit not only the individual youth category but also the national as a whole.

In 1985, the United Nations General Assembly declared the year International Year of Youth, and called on Governments and nations the world over, to increase their focus on issues affecting youth. In 1995 on the tenth anniversary of International Youth Year, the United Nations General Assembly strengthened its commitment to young people by adopting the World Programme of Action for Youth to the Year 2000 and Beyond. The World Programme of Action identifies ten areas of priority, aimed at improving the well-being and livelihoods of young people. These priority areas are education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure time activities, girls and women, and the full and effective participation of youth in the life of society and in decision-making.

In the intervening ten years, international organisations, governments and nations, non-governmental organisations, as well as youth themselves, sought in various ways to address the many issues relating to youth. At the centre of much of the activity and discussion is the call for the empowerment of youth, to ensure that they are adequately prepared to take on their responsibilities as full and active members of their societies. Integrally associated with the issue of empowerment, is ensuring that young people are knowledgeable about youth rights and responsibilities, and are informed about the enabling environment for empowerment which exists.

As matters concerning youth take on a more pre-eminent role, it is important that persons who seek to work with youth, have an understanding of the instruments which exist to protect and address their rights. It must be remembered that unlike children, where there exists a Convention on the Rights of the Child, for youth no such

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<sup>1</sup> 'Instruments' is here used to refer to the treaties, conventions, agreements, declarations, conferences, charters, resolutions, etc., which States use to establish rights and obligations among themselves.

single document is available. However, a number of other instruments<sup>1</sup> exist which provide protection of youth rights in various ways.

These instruments include legally binding international conventions and covenants (which a nation may have been signatory to); declarations or consensus documents from conferences in which a nation may have participated; regional and national instruments committing to the development of youth. Knowledge of such instruments is important in that they provide some basis to guide Government's policy development. In addition, such knowledge could provide guidelines and parameters of operation for any organisation which intends to work with the particular group.

In looking at youth/youth-related instruments it is important to note that not all instruments are legally binding. In some instruments, issues of rights apply to all citizens, of which youth are a part; such instruments do not necessarily speak directly and separately to the youth category. With respect to youth, these instruments are important in that they provide direction and point to ways in which youth can be empowered to actively participate in their own development, as well as, the development of their society.

This paper seeks to

1. Identify the existing instruments which in part or in whole, directly or indirectly, address issues concerning youth.
2. Indicate, to the extent possible, which instruments are legally binding and which are not.
3. Identify the commitment or pledge, to youth and any related stakeholders, which is enshrined within the instruments.
4. Identify which instruments Jamaica has signed and/or ratified, and where possible, indicate how the particular instrument relates to youth rights and issues.

Material for this paper was gathered via Internet searches of sites of international organisations such as, the United Nations, the International Labour Organisation; Commonwealth Youth Programme; communication with the legal department of the Ministry of Foreign Affairs and Trade; telephone and face to face interviews and discussions with a number of persons working with youth in Jamaica; telephone discussions with a representative of CARICOM Youth Desk. Data collection also involved the search of relevant in-house documents, such as records of meetings of Youth Ministers of CARICOM and the Commonwealth.

## IMPORTANT DEFINITIONS

The United Nations through its list of 'Definitions of Common United Nations Legal Terms', provides pertinent information on the definition of terms. Such definitions are important in that they provide the basis to better understand the various instruments which are being examined.

1. **Convention:** In specific terms, a convention represents legally binding international obligations between two or more states, usually negotiated under the auspices of an international organization.
2. **Covenant:** A covenant means a formal, written agreement between two or more States which specifies mutual legal and political obligations. In the context of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, a covenant has the same legal obligations as a convention - since governments are required to sign and ratify both.
3. **Agreement:** This term can have specific or generic meaning. In the generic context, for example the term

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<sup>1</sup> 'Instruments' is here used to refer to the treaties, conventions, agreements, declarations, conferences, charters, resolutions, etc., which States use to establish rights and obligations among themselves.

“international agreement”, refers to a number of international instruments. When used in a more specific context however, an “agreement” refers to something narrower and less formal than a “treaty”. These instruments when signed by government representatives are not subject to ratification. According to the United Nations General Assembly, today, the majority of international instruments are designated as agreements.

(Source: United Nations General Assembly Definition of Common United Nations Terms).

5. **Commitment:** Commitment generally refers to a pledge of undertaking about some particular subject matter, cause or course of action; a pledge to bind one’s self to a course of action or policy. Such pledges of undertaking, may or may not be legally binding. However, even where there is no legal commitment, it is expected that some action by way of implementation, will result from the given pledge of undertaking. Commitment therefore, could be very wide at one end of the spectrum, and at the other it could be quite narrow.

In this paper commitment would be used in the widest sense, inclusive of legally binding as well as, non-legally binding pledges. It would also include taking action towards implementation, in support of the pledge or commitment given.

Commitment to the development of youth therefore, should include more than signing and ratifying of Covenants, and Conventions, or the endorsing of conference declarations. It should include implementation through development of relevant programmes, availability of resources to establish the enabling conditions and environment to allow for participation of youth in decision making and overall empowerment of young people.

6. In this paper the United Nations General Assembly definition of youth, that is, persons fifteen to twenty four years inclusive, would be used.

## EXISTING INTERNATIONAL INSTRUMENTS WHICH ADDRESS YOUTH RIGHTS

When one seeks to examine the rights of youth, and a nation’s commitment to this category of its population, there is no single document like a Convention on Youth Rights, to which one can turn. However, even without such a Convention young people are entitled to enjoy all human rights available to all human beings.

At the international level, the United Nations addresses youth matters through a number of instruments some of which are legally binding on ratifying governments, and others which carry no legal obligations. At the United Nations level there are :-

1. Youth-related International Conventions
2. Youth-related International Declarations, Standards, Guidelines and Rules
3. United Nations World Conferences

This paper will examine the relevant international conventions and world conferences.

## International Human Rights Conventions/Covenants

Included in the category of youth-related International Conventions are the four main human rights conventions which provide protection to all human beings, adolescents and young people inclusive. These human rights conventions are:-

- the International Covenant on Civil and Political Rights (1966)
- the International Covenant on Economic, Social and Cultural Rights (1966)
- the Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- the Convention on the Rights of the Child (1989)

It is important to note that countries which have ratified these conventions, have a legal obligation in international law, to ensure that their national laws, policies and practices confirm to the standards set out.<sup>1</sup>

The next section will examine the main declarations and features of each of the above human rights instruments, along with the relevant and expected obligations and responsibilities of ratifying nations, with special attention being paid to the relationship to youth.

### **International Covenant on Civil and Political Rights**

The United Nations General Assembly adopted this Convention in December of 1966, and it came into force in March 1976. Jamaica signed in December 1966 and ratified in October 1975<sup>1</sup> (United Nations, 1997a & Ministry of Foreign Affairs and Trade).

The Covenant of Civil and Political Rights, addresses a number of rights accorded to all peoples of nations which have signed and ratified the Covenant. Generally, State Parties to the Covenant undertake to ensure equal rights of men and women to the enjoyment of all civil and political rights set out in the Convention (Article 3). Civil and political rights protect an individual's:- right to life, freedom of speech, assembly, conscience and religion; freedom from slavery, torture, inhumane or degrading treatment, forced or compulsory labour, arbitrary arrest; the right to due process, the presumption of innocence during legal proceedings and equal treatment before the law.

Articles 14 and 24 make specific reference to adolescents, namely 'juvenile persons' and 'child'. Article 14(a) indicates that in any case of a criminal nature involving 'juvenile persons', the procedure shall take account of their age and the desirability of promoting their rehabilitation. Article 24 indicates that every child without discrimination of any sought, shall have the "right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State". In addition the Article addresses the right of every child to a name, a nationality and to registration at birth.

It should be noted that many of the rights enshrined in this Covenant are specifically addressed in the Convention on the Right of the Child, and by the Jamaica Constitution, Chapter 3 which deals with Fundamental Rights and Freedoms.

### **International Covenant on Economic, Social and Cultural Rights**

This Covenant was adopted by the General Assembly of the United Nations in December 1966 and came into force in January 1976. Jamaica signed the Covenant in December 1966 and ratified same in October 1975<sup>1</sup>. (United Nations, 1997b & Ministry of Foreign Affairs and Trade).

The International Covenant on Economic, Social and Cultural Rights, addresses the right of all human beings to:-

- work [Article 6]
- form and join a trade union [Article 8]
- social security including social insurance [Article 9]
- an adequate standard of living for self and family and freedom from hunger [Article 11 (1) & (2)]

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<sup>1</sup>When a country signs a convention, this indicates general agreement with the convention and an intention to follow same. Ratification however indicates a promise to follow and is legally binding (Global Commitment to Youth Rights 1997:8).

<sup>1</sup> While Jamaica ratified the Convention in 1975, this ratification became effective in March 1976.

<sup>1</sup> While Jamaica ratified the Covenant in 1975, this ratification became effective in January 1976.



- enjoy the highest attainable standard of physical and mental health [Article 12].
- education [Article 13]  
(which is to be directed to the full development of the human personality and sense of dignity, and further, enable all persons to participate effectively in their society).
- take part in cultural life and to enjoy the benefits of scientific progress and its applications [Article 15].

Article 10 speaks directly to the youth category and the need for special measures of protection and assistance to be taken on their behalf. Other issues addressed in this Article include, the right of children and young persons to be protected from economic and social exploitation; that any employment in work which could be harmful to their morals or health or dangerous to life, or could hamper their normal development, should be punishable by law; that States should set an age limit below which the paid employment of child labour should be prohibited. [Article 10 (3)].

The Convention implores State Parties to recognise these rights. Acknowledging that progressive action over time is necessary to accomplish implementation of these rights, the Convention identifies and recommends specific action and relevant programmes, to aid the process.

### **The Convention on the Elimination of all Forms of Discrimination Against Women**

This Convention also referred to as the “Women’s Convention”, was adopted by the General Assembly of the United Nations in December 1979, and came into force in 1981. According to information from the United Nations General Assembly, Jamaica signed this Convention in July 1980 and ratified it in October 1984 (United Nations, 1997c)<sup>1</sup>.

This Convention seeks to protect the rights of girls and women all over the world to:- have equal access to education and training, food, health care, land, employment, financial credit; participate fully in decision-making, without discrimination on the basis of pregnancy or marital status. The Convention seeks to ensure that women and girls are not discriminated against, and are not denied or prevented from exercising their rights and freedoms guaranteed by other conventions. These include political, civil, economic, social and cultural rights (See International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights).

In Article 10 (f), the Convention calls on State Parties to take action in the area of education, to ensure “the organisation of programmes for girls and women who have left school prematurely”.

### **The Convention on the Rights of the Child (CRC)**

The Convention on the Rights of the Child, also referred to as the Children’s Convention, was adopted by the General Assembly of the United Nations in November 1989. Jamaica signed the Convention in January of 1990 and ratified it in May 1991 (United Nations, 1997d & Ministry of Foreign Affairs and Trade).

The Convention on the Rights of the Child is included here as addressing youth rights because of its definition of child, as a young person up to the age of 18 years. Thus adolescents/young persons up to the age of 18 years, are protected under the Convention on the Rights of the Child.

The Convention on the Rights of the Child includes many of the political, economic, civil and social rights addressed in the international covenants - right to life, freedom of expression, freedom of association, right to

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<sup>1</sup>At the time of researching and preparing this paper, no information was available from the Ministry of Foreign Affairs and Trade, Jamaica, regarding this Convention.

health, education, social security, and an adequate standard of living. However, it includes additional areas specially targeting children and young people, such as protection from neglect and abuse, having their views heard on matters which affect their lives and protection from economic and sexual exploitation.

The Convention on the Rights of the Child recognises the right of children/young persons (0-18 years) to be brought up in a safe and supportive environment as provided by families. While parents/guardians have the right to provide direction to children, they also have responsibilities to respect the children's rights and to recognise 'the growing capacity and judgement of young people as they grow from the dependency of childhood to the independence of adulthood' (Global Commitment :9). One of the grounding principles of the Convention on the Rights of the Child, is that in all issues relating to children, the best interest of the child should have priority.

## **Conferences Which Address Issues Impacting on Youth**

In addition to the above mentioned Conventions, international conferences which speak to issues affecting young people, represent another means of examining and interpreting the rights, interests and responsibilities of the nation's youth. Generally, consensus documents or declarations emanating from such conferences are endorsed by participating governments. Such endorsements do not carry any legal obligation. What is critical about these conferences even though they are not legally binding, is that many of the issues which they address are of a most pressing concern to human survival and well being worldwide. Some scholars have argued that they represent human rights in practise.

During the 1990s a number of significant international conferences were held; they addressed such important subject areas as, the environment and sustainable development, population growth, social development, urbanisation and human rights. These issues hold profound consequences for people worldwide, including young people. In addition however, many of the emanating declarations or agreements, directly address youth and include sections which speak directly to methods of youth participation and inclusion.

The conferences include the:-

1. United Nations Conference on Environment and Development (UNCED) 1992  
Also known as the "Earth Summit". The two major documents coming out of this conference are (a) Rio Declaration on Environment and Development (b) Agenda 21, which is the programme of action from the conference.
2. World Conference on Human Rights 1993
3. Global Conference on the Sustainable Development of Small Island Developing States (SIDS) 1994
4. International Conference on Population and Development (ICPD) 1994
5. World Summit for Social Development (WSSD) 1995
6. Fourth World Conference on Women (FWCW) 1995
7. United Nations Conference on Human Settlements, Istanbul (UNCHS) 1996

As was noted above, such conferences do not require ratification and therefore are not legally binding on participating nations. However, they are examined briefly here because they address issues which impact on the lives young people. Further, though not legally binding, participating governments who endorse the declarations and programmes of actions which come out of these conferences, it would appear, have at least a moral obligation to follow up on their commitments.

### **United Nations Conference on Environment and Development (UNCED)**

In the **Rio Declaration** the issue relating to youth is explicitly addressed in Principle 21 which states that "The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all"(United Nations General Assembly 1992;13).

In Agenda 21, Chapter 25 is dedicated to Children and Youth and their involvement in sustainable development. Specifically as it relates to youth it is noted that the “involvement of today’s youth in environment and development decision-making and in the implementation of programmes, is critical to the long term success of Agenda 21” (United Nations, Agenda 21; 1992; 1993). The involvement of youth is recommended not only because their future is inextricably affected by what happens to the environment but also because of ... “their intellectual contribution and their ability to mobilize support, . . . and bring unique perspectives that need to be taken into account” (United Nations, Agenda 21, 1992, 1993).

The objectives of Agenda 21, with respect to children and youth in sustainable development, focus on governments establishing consultations with youth communities, providing young people with relevant information and providing the opportunity for youth to present their perspectives and be included in the decision making and implementation process.

### **World Conference on Human Rights (WCHR)**

This human rights conference sought to get governments to agree that all human rights were universal and indivisible, and therefore apply to everyone in all cultures. Significantly, youth and children rights were a major focus of the conference. One of the priorities of the conference was to see that all governments signed the Convention on the Rights of the Child before the end of 1995.

### **Global Conference on the Sustainable Development of Small Island Developing States (SIDS)**

The main focus of the SIDS conference was to acknowledge that the needs and concerns of small island states were integral not only to these states, but also to the international community, therefore international co-operation was needed to solve identified problems.

Cognisant that sustainable development is people centred, the conference recognised young people as one of the major social groups which should be integrally involved in the formulation and implementation of sustainable development strategies and programmes, as well as, in all aspects of decision making. Young people were also identified as a major category which stand to reap major benefits from sustainable development.

### **International Conference on Population and Development (ICPD)**

Cognisant of the fact that approximately half of the world’s population is less than twenty five years of age, this conference, saw young people as a priority, since they comprise such a large proportion of the population. It was recommended that countries give high priority and attention to ‘the protection, survival and development of children and youth, particularly street children and youth ...’ (ICDP:Action 6.8).

The impact of poverty on young people was a particular concern examined, as it leaves many vulnerable to a number of ills such as dropping out of school, sexual exploitation, drug abuse, forced labour, etc. It was acknowledged at the conference that reproductive and sexual health needs of adolescents had been ignored in the past.

Importantly, it was recognised that youth organisations are effective partners in developing programmes to educate youth on reproductive health, gender and environmental issues. Further, it was recommended, that youth should be ‘actively involved in the planning, implementation and evaluation of development activities that have a direct impact on their daily lives’. Specifically identified areas in this regard, include education and communication activities and services concerning reproductive and sexual health, including the prevention of early pregnancies, sex education and the prevention of HIV/AIDS and other sexually transmitted diseases. (ICDP: Action 6.15).

### **World Summit for Social Development (WSSD)**

The World Summit for Social Development, also referred to as the Social Summit, represented the first time in

history that heads of State and Government gathered (at the invitation of the United Nations), to ‘recognize the significance of social development and human well-being for all ...’. The critical recognition of this summit was that because people form the centre of concern for sustainable development, more attention should be paid to the social aspects of development. The emphasis of the Social Summit therefore, focused strongly on empowerment of people, and heads of state were challenged ‘to establish a people-centred framework for social development’. The main themes of the conference were:- the reduction of poverty; the generation of productive employment; and the enhancement of social integration. The importance of involving youth in the decision making and implementation process of planning, particularly where the issues impact directly on their lives, was acknowledged.

### **United Nations Conference on Human Settlements**

This conference focused on how to manage the worldwide trend of increasing urbanisation in a sustainable manner. With a theme of “shelter for all”, it was recognised that the needs of children and youth should be given greater priority with regard to settlement, than was previously done. The involvement of young people as partners in decision making was stressed, as well as, their need for privacy and security to be considered in the management of settlements.

### **Fourth World Conference on Women**

Held in Beijing, this conference sought to examine the progress made regarding the declarations and action plans from the first conference on women held in 1975. This conference gave rise to the Beijing Declaration which notes the inspiration to be drawn from “the hope present in the world’s youth”. While the conference focused on the needs of young girls and adolescent women, it advocated access to education about sexual and reproductive health for both male and female adolescents. Additionally, it noted the need to sensitise and educate boys and young men in gender equality and non-violent conflict resolution.

## **REGIONAL INSTRUMENTS**

The CARICOM Youth Desk, which is part of the CARICOM Council for Human and Social Development (COHSOD), and the Commonwealth Youth Programme - Caribbean Division, represent the main channels through which youth issues are addressed at the regional level.

### **CARICOM Youth Desk**

CARICOM Ministers with responsibility for youth, convene regular meetings which culminate in recommendations which are presented for endorsement by member governments. Such recommendations usually serve as the basis of activity for the CARICOM Youth Desk. Discussions with personnel at the Youth Desk, indicate that current priority areas with regard to youth matters in CARICOM include:-

1. The strengthening of the institutional capacity of youth departments and youth NGOs
2. The establishment of appropriate youth structures to promote effective participation of youth in good governance, democracy and regional integration
3. Supporting the review, development and implementation of youth policies
4. The establishment of a regional micro-enterprise development fund.
5. Support for research and information sharing.

### **Commonwealth Youth Programme: Caribbean Office**

Over the years, Jamaica has participated in activities and meetings of the Commonwealth Youth Programme (CYP), at both the Heads of Government and the Ministers responsible for Youth Affairs levels.

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<sup>1</sup> Jamaica was represented by Dr. Fenton Ferguson, then Parliamentary Secretary, Ministry of Education and Culture; Mr. Christopher Charles, National Youth Development Officer, MOEC; Mr. Cardinal Beckford, Youth Leader. (Commonwealth Secretariat, 1995)

In 1995, the Commonwealth Ministers with responsibility for Youth<sup>1</sup> proposed that Commonwealth governments make special commitment to youth development, through the “development, refinement and implementation of National Youth Policies as instruments of change”. In addition they recommended youth empowerment, and human resource development for young men and women, as being critical to strengthening the young people, as well as the societies in which they live. (Commonwealth Secretariat:1995:3-5)

In 1998, the Commonwealth Youth Ministers Meeting was held in Kuala Lumpur, Malaysia<sup>1</sup>.

The current focus of the Commonwealth Youth Programme at the regional level is the ‘Commonwealth Plan of Action on Youth Empowerment to the Year 2005’. This plan of action came out of the 1998 Commonwealth Youth Ministers’ Meeting (Malaysia), and seeks to assist governments in “establishing and maintaining the enabling conditions that will allow young men and women in the Commonwealth to be empowered” (Commonwealth Secretariat:1998:22). The ‘enabling conditions’ which are expected to serve as the foundation for youth empowerment, are grouped in four broad and interrelated areas as follows:-

1. The economic base and social support systems that enable young people to sustain life, health and well-being
2. Supportive legal and administrative frameworks for youth empowerment
3. A stable environment of equality, democracy and peace
4. Access to knowledge, information and skills, and the development of positive values.

It should be noted that the CARICOM Secretariat and the Commonwealth Youth Programme, Caribbean Office collaborate at some level, as many of their objectives are similar.

## **NATIONAL INSTRUMENTS**

National instruments which can be used to identify and interpret rights and interests of youth, include the Constitution of Jamaica, the National Youth Policy, and other sectoral documents. At the general level, the Constitution of Jamaica sets out in Chapter III (Fundamental Rights and Freedoms) certain rights and freedoms due to all Jamaicans, including young people. These include the right to life, protection from arbitrary arrest or detention, freedom of movement, protection from inhuman treatment, protection of freedom of speech and conscience, of assembly and association and freedom of expression, etc.

From a more specific view point however, there is the National Youth Policy. In addition, there are important sectoral documents which include a position on issues relating to youth matters and can therefore be seen as representing some commitment to youth. The chief document identified in this category is Jamaica’s Policy Towards Poverty Eradication.

### **The National Youth Policy**

At the national level, the National Youth Policy is seen as the major instrument indicating commitment to youth. The policy has a mission “to create an environment in which young people will be encouraged and facilitated to develop their full mental, social, spiritual and physical potential, through the provisions of economic and training opportunities to enable them to become responsible and productive citizens” (GOJ, 1994:8).

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<sup>1</sup> Jamaica was represented by Dr. Fenton Ferguson, then Parliamentary Secretary, Ministry of Education and Culture; Mr. Christopher Charles, National Youth Development Officer, MOEC; Mr. Cardinal Beckford, Youth Leader. (Commonwealth Secretariat, 1995)

<sup>1</sup>Jamaica was represented by The Hon. Colin Campbell, Minister of State in the Ministry of Local Government, Youth and Community Development; and Mr. Garnet Roper, Chairman, Social Development Commission (Commonwealth Secretariat, 1998).

The main objectives and strategies addressed by the policy include:-

1. (Strengthening) Institutional focal point
2. Education and training
3. Employment and empowerment
4. Health
5. Drug Abuse
6. Recreation and leisure
7. Values, attitudes and anti-social behaviour
8. Youth in community and nation building.

The policy further states that a 'Youth Unit' with portfolio responsibility for youth affairs "will act as a focal point to execute the Government's policies and strategies in respect of youth, and coordinate the activities of all youth agencies. The unit will also liaise closely with the private sector and voluntary organisations to effectively address the problems of youth"(GOJ, 1994:10).

#### **The National Poverty Eradication Policy**

This document, represents the Government of Jamaica's commitment to eradicate poverty. Importantly the document lists as one of its areas of priority "unemployed youth, and families with children in low income groups" [Ministry Paper No. 3/97: Item 2.2(ii)].

## DISCUSSION

The above seem to indicate that there are a number of instruments which can provide the framework to examine and interpret the rights, interests and responsibilities of youth in Jamaica. By extension, such instruments can also provide the framework to guide the development of policy, services and programmes to address youth development and general youth matters. There are the international human rights instruments; there are consensus documents from a number of international conferences which in part speak to issues relating to youth; there are consensus documents emanating from Commonwealth Ministers for Youth meetings; and perhaps most importantly at the national level, there is the National Youth Policy. The existence of these instruments also indicates that some level of commitment has been made to Jamaican youth by various Governments over the years.

However, where commitment is seen as encompassing both legally binding and non-legally binding pledges or promises, as well as, some element of implementation of the commitment, a number of questions arise.

Some pertinent questions therefore are:-

1. Does signing and ratifying of a particular convention or covenant represent commitment?
2. Does participation in conferences represent commitment?
3. Do the above questions represent adequate commitment, or does commitment include taking action at the national level by way of strengthening relevant agencies, such as youth ministries/divisions/ departments by providing them with necessary and adequate resources, and ensuring that young men and women are well represented?
4. Has commitment moved from the point of pledge and promise to action?

At this point, it would be instructive to examine briefly the general procedure which follows the signing and ratification of an international covenant or convention.

When a government or state signs an international covenant or convention, this signifies its intention to be bound by the principles of the particular instrument. Ratification indicates acceptance to be bound by the principles, in international law. It is upon ratification therefore, that the particular protocol becomes legally binding, in international law, on the particular state party.

In some nations, once the international instrument is signed and ratified at the international level, it becomes binding on the particular nation, its government and its citizens. In the case of Jamaica, for such an instrument to become binding on the citizens of the particular nation, it must be enacted in part or in whole, into national law. Having signed and ratified a covenant or a convention therefore, a number of options exist, through which a government can ensure it lives up to the obligations enshrined in the document signed.

- (1) The particular instrument could be enacted in totality into national law.

This is not advised by legal personnel, as there may be sections of the international document which are not thought to be relevant to the particular local situation, or which are in contravention to existing national laws.

- (2) Specific laws reflecting the principles of the particular international instrument could be prepared and enacted into national law. This could also include the amendment of existing laws.

This option is time consuming and often requires vigilance from concerned persons, to ensure that action is taken in a timely manner.

- (3) Developing relevant policy which addresses the issues in the international instrument.

Such policy, having been presented to the nation and Parliament, upon passage by Parliament, is expected to provide direction for all persons and organisations interested in or currently working with, the particular category of the population which the policy addresses. Though this approach does not enshrine the principles of the particular international instrument into national law, it represents one way in which a Government can ensure that it honours the obligations enshrined in the particular instrument.

A similar situation exists with respect to declarations and consensus documents emanating from major conferences. While not legally binding, having agreed to the principles of the conference internationally, it is expected that the particular government would take the necessary action at the national level, to honour the obligations, activities and required actions enshrined in the particular document.

It could be argued that the signing and ratifying of a convention or covenant represent commitment to take action on the particular issue, at the national level. Indeed one should not sign, ratify or give support to conventions or consensus documents, if one does not intend to honour the stated obligations. Arguably therefore, signing and ratifying of international conventions or covenants, do represent some commitment, however, additional action is required at the national level to move from intent to implementation. Action at the national level therefore should include ensuring that the principles of the convention are operational, as well as, allocating resources to facilitate the required action.

In the context of Jamaica, there has been some commitment to the development of young people, at various levels. Important steps have been taken at the international level, with Jamaica having signed and ratified certain critical international human rights instruments which speak to issues on youth as human beings. While there is some commitment made by attendance of and participation in conferences, both at the regional and international levels, the information is not precise as to exactly which conferences were attended and subsequent action taken, if any. At the national level however, there is commitment made through the National Youth Policy.

On matters relating to youth development, particularly where it involves participation of youth in various aspects of decision making, commitment implies the establishment of infrastructure for information-sharing, consultation, debate, and to some extent power sharing in the decision making process with the young people. It could further be argued that it also implies the will to commit resources to the establishing of coherent programmes for development. With respect to the existence of structures to facilitate information sharing, consultation, debate, and youth participation in decision making, this seems to be an area of weakness, as no formal structures exist which allow for the participation of young people in the developmental issues of the nation.

Looking at some of the youth development programmes available in Jamaica, it can be argued that commitment has gone beyond promise, to the implementation stage. There are major youth development programmes such as:-

1. The National Youth Service, which as a strategy of the National Youth Policy, “aims to equip youth with the necessary academic, technical and life coping skills to foster their development, as well as, enhancing their contribution to community and national development”. Currently being restructured, the National Youth Service seeks to provide training in a variety of skills to young people ages 17 - 24 years.
2. The Human Employment and Resource Training (HEART) Trust, which focuses on providing training and education for employment. As Jamaica’s national training agency, HEART aims to “enable the provision of technical and vocational education . . . to produce and sustain a competitive workforce” (HEART/NTA).
3. The Special Training and Empowerment Programme (STEP), was launched as a component of the Government’s initiative for youth in its Poverty Eradication Programme. It aims to empower young people to access training for employment and become part of the productive workforce.

In various Ministries of the public service there are other programmes which incorporate youth issues in their work and activities. Skills 2000, part of the National Poverty Eradication Programme, the 4-H organisation; the Institute of Sports whose programmes by their very nature are targeted predominantly at young people, are some of these programmes.

Even with the above programmes however, there are some categories of youth for whom services are either not provided, or are provided at levels insufficient to meet the existing needs. The situation of at-risk youth, some of whom live and work on the streets, immediately come to mind. These youngsters ‘fall through the cracks’ for a



variety of reasons - age limitations to enter programmes; educational requirements; overlap of definition of child and youth; inadequate number of programmes; etc. In some instances limited services are provided by NGOs. Young people with disabilities represent another group for whom services and facilities are insufficient.

It can also be argued that the National Youth Policy represents implementation of commitment beyond promise. The existence of a national policy is seen as testament that a country intends to accord the required emphasis and attention to the needs and concerns of its young citizens. Indeed, the development of National Youth Policies was advocated at the Commonwealth level in non-legal governmental meetings.

While it is acknowledged that having a National Youth Policy is in and of itself an important first step, the need to ensure effectiveness of policy is equally, or even more important. An important question which arises therefore, is whether the enabling environment exists to facilitate the necessary action for implementation of policy strategies? Another question is what are the critical inputs for an enabling environment? The availability of adequate resources, financial and human, as well as the necessary organisational structures, do represent necessary inputs, to an enabling environment.

Two major themes which re-occur in the instruments and consensus documents at all levels - international, regional and national - are the need to provide the enabling environment to facilitate the movement from pledge and endorsement to implementation; and the importance of youth participating in all levels of decision making.

On the issue of the existence of an enabling environment, it can be argued that there is significant room for improvement. In this regard, it may be instructive to look at the Youth Division of the Ministry of Local Government, Youth and Community Development. This Division is expected to 'act as the focal point to execute the Government's policies and strategies in respect of youth, and co-ordinate the activities of all youth agencies' (National Youth Policy: 1994: 10). However, the frequent transfers of the Youth Division between ministries have been pointed to as cause for concern. In the five-year period between 1994 and 1998, the Youth Division has changed Ministries at least three times. In 1994 the Youth Division formed part of the Ministry of Local Government, Youth and Sports; in 1995 it was transferred to the Ministry of Education, Youth and Culture; in 1998 it was transferred to the Ministry of Local Government, Youth and Community Development.

In addition, the Youth Division has been inadequately staffed and lacking in other resources. An assessment of the Youth Division conducted in 1997 indicated that the staff of the Division was 'not fully equipped with the technical skills in programme evaluation, project preparation, policy analysis, statistical analysis and research techniques'.<sup>1</sup> Indeed up to the beginning of 1999 the Division had only four members of staff, as follows:-

- The Director of Youth
- A Youth Development Officer
- A Secretary
- An Administrative staff person

The above seem to indicate deficiencies in the Youth Division, a major element of the enabling environment. It appears that more resources are required to enable the Division to effectively carry out its mandate as stated in the National Youth Policy.

While the focus of this paper is on identifying relevant instruments which can be used to interpret and examine

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<sup>1</sup> See Institutional Assessment of the Youth Development Services Division, Ministry of Education, Youth and Culture (January - February 1997). Prepared by Strategic Management & Training Consultants Ltd.

youth rights and interests, and by extension Government's commitment to youth, mention must be made of the role of various non-governmental organisations which work with young people. The majority of these organisations for the most part, do not utilise the available international instruments or consensus documents and the recommendations therein, in their work with young people.

It must be acknowledged that commitments made at conventions and conferences are primarily intended for governments. However, the programmes and activities recommended are available for use by any agency - non-governmental organisations, grassroots groups and individuals, and youth organisations - working with youth. They are free to use the recommendations to guide their work, as well as to lobby the government to take the necessary action on commitments made.

A pertinent question which follows from the above, is whether the structures exist for the sharing of such information? Indications are that no established structures exist for the sharing of information from conferences, etc. At the same time, it appears that the non-governmental organisations (NGOs) and community based organisations (CBOs) do not interface with the relevant Government agencies on these issues. Many of these entities, including youth groups, are unaware of what instruments and commitments exist. Thus they are unable to educate their members, or lobby the government or other relevant stakeholders to take appropriate action on commitments made. They must therefore, take some responsibility for inactivity with respect of moving from commitments to the action and implementation stage.

## **RECOMMENDATIONS**

While there does not exist a single document addressing rights of young people, there are a number of instruments and protocols which provide protection of the rights of young people. Some instruments provide protection within the general protection provided to all human beings, others address specific issues relating to the rights of young people. Such instruments are indicative of a nation's commitment to its young people. In the case of Jamaica, commitment via such instruments does exist. Jamaica has signed and ratified at least four human rights conventions/covenants. These conventions aim to preserve the civic, political, social, economic and cultural rights of all human beings, inclusive of youth. Jamaica has also participated in conferences of the Commonwealth Youth Programme, from which certain consensus documents have emanated. In addition Jamaica has developed a National Youth Policy.

It is the opinion of this writer that some attempts have been made to address rights and interests of youth. In addition attempts have been made to honour commitments, and thus move to the implementation level of commitment, as is indicated by the existence of youth development programmes such as the National Youth Service, STEP and HEART.

However, it is also felt that even within the context of the existing situation of significant economic constraints, matters of youth should be given greater priority, particularly on the issue of providing an enabling environment to facilitate action on the part of all stakeholders. Within the context of the existing documents/instruments of commitment, there is adequate room for greater action.

Of course, any actions or plans envisaged must be realistic and cognisant of the economic constraints at the national level. Such action must also be cognisant of the cultural habits of the nation. Here, reference is being made to the commitment regarding the active participation of youth in development issues. Generally, in the Caribbean, there is a history of children and youth not being actively involved in the decision making process, not even at the family level. Where there is involvement of young persons in the decision making process, it represents the exception rather than the rule. It means therefore, that the process of moving commitment to the level of actively involving youth in the planning, implementation and decision-making process, would necessitate careful preparation, nurturing and education of all stakeholders, on the procedures to be followed.

In spite of this, however, action can be taken at various levels which can improve the situation and move from a level of verbal commitment to one of greater action on issues concerning youth. Thus, the following recommendations:-

### **Specific Recommendations**

Strengthen the national youth policy by (a) addressing the omission of a definition of youth, (b) preparing a plan of action plan for implementation of objectives. The re-establishment of the National Youth Policy Advisory Committee could be very useful here. In addition the Youth Division should seek to increase dissemination of the Youth Policy, so that individuals can become aware of its existence and contents.

Take action to strengthen the Youth Division, by increasing both human and financial resources. (See recommendations made in the 1997 assessment conducted by Strategic Management and Training Consultants Ltd.).

Involve young people directly in the development, implementation, and monitoring of youth related sectoral policies and national youth policies. Increase the number of young people sitting on the boards of relevant organisations (JCDC, SDC, NYS).

Educate and promote awareness among young people, of international human rights and other youth-related instruments, and how these relate to their lives. Staff at the Youth Division should secure copies of the various instruments and other consensus documents for the Youth Division's Resource Centre, and for the Youth Information Centre. These could be made available to interested young persons. Explore the possibility of collaborating with Jamaica's Council for Human Rights, to conduct sessions explaining the link between human rights and youth rights with youth groups, students, etc.

Promote, support and strengthen the participation of young people in the design and implementation of peer support programmes. Areas for focus should include improvement of literacy, youth health, conflict resolution and crime prevention, drug abuse, entrepreneurship development. This could be done by providing support to NGOs which currently train young people as peer counsellors in any of the above areas.

Establish structures to facilitate information sharing on matters relating to youth, (conferences attended, level of participation, etc.) with youth organisations, non-governmental and community based organisations working with youth.

At the level of the Youth Division, organise for any youth organisation or representative thereof, to make written and/or oral presentation, on conferences or meetings attended, to the Division and related agencies (SDC, JCDC) of the Ministry of Local Government. Assign specified staff the responsibility to monitor attendance of Jamaican representatives to youth meetings, conferences, etc.; solicit documents on proceedings and disseminate to other youth organisations, government agencies, NGOs and other relevant organisations; despatch documents from youth and youth-related meetings, conferences, etc., attended by government personnel to youth organisations, NGOs working with youth, etc. This would begin the building of a relationship with such organisations, and over time lead to a more structured relationship.

The Youth Division could organise to act as a clearing house and coordinating point to facilitate networking and information sharing among relevant organisations/agencies.

## APPENDIX A

## International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution  
2200A (XXI) of 16 December 1966

*entry into force* 23 March 1976, in accordance with Article 49

***Preamble***

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

## **PART I**

### ***Article 1***

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## **PART II**

### ***Article 2***

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
  - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
  - (c) To ensure that the competent authorities shall enforce such remedies when granted.

### ***Article 3***

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### ***Article 4***

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on

the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

#### ***Article 5***

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### PART III

#### *Article 6*

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

#### *Article 7*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

#### *Article 8*

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3.
  - (a) No one shall be required to perform forced or compulsory labour;
  - (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
  - (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
    - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
    - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
    - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
    - (iv) Any work or service which forms part of normal civil obligations.

### *Article 9*

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

### *Article 10*

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2.
  - (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
  - (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

### *Article 11*

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

### *Article 12*

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.



### *Article 13*

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

### *Article 14*

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is

wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

### ***Article 15***

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

### ***Article 16***

Everyone shall have the right to recognition everywhere as a person before the law.

### ***Article 17***

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

### ***Article 18***

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### ***Article 19***

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### ***Article 20***

- 1. Any propaganda for war shall be prohibited by law.
- 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

#### ***Article 21***

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### ***Article 22***

- 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
- 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
- 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

#### ***Article 23***

- 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- 2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
- 3. No marriage shall be entered into without the free and full consent of the intending spouses.
- 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

***Article 24***

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

***Article 25***

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

***Article 26***

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

***Article 27***

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

## **PART IV**

### ***Article 28***

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

### ***Article 29***

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

### ***Article 30***

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

### ***Article 31***

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

### ***Article 32***

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

### ***Article 33***

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

### ***Article 34***

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

### ***Article 35***

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

### ***Article 36***

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

### ***Article 37***

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at

Geneva.

### ***Article 38***

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

### ***Article 39***

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.

### ***Article 40***

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

### ***Article 41***

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  - (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within

three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## ***Article 42***

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;



(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

### ***Article 43***

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

***Article 44***

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

***Article 45***

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

**PART V*****Article 46***

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

***Article 47***

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

**PART VI*****Article 48***

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

***Article 49***

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### ***Article 50***

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

#### ***Article 51***

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

#### ***Article 52***

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

#### ***Article 53***

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

**Office of the United Nations High Commissioner for Human Rights  
Geneva, Switzerland**

## **APPENDIX B**

### **International Covenant on Economic, Social and Cultural Rights**

**Adopted and opened for signature, ratification and accession by General Assembly**

**resolution 2200A (XXI) of 16 December 1966**

***entry into force 3 January 1976, in accordance with article 27***

#### ***Preamble***

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

## **PART I**

### ***Article 1***

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the

United Nations.

## **PART II**

### ***Article 2***

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

### ***Article 3***

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

### ***Article 4***

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

### ***Article 5***

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## **PART III**

### ***Article 6***

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right

shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

### ***Article 7***

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

### ***Article 8***

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

### ***Article 9***

The States Parties to the present Covenant recognize the right of everyone to social security, including

social insurance.

### ***Article 10***

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

### ***Article 11***

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
  - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
  - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

### ***Article 12***

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

### ***Article 13***

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### ***Article 14***

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.



***Article 15***

1. The States Parties to the present Covenant recognize the right of everyone:
  - (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications;
  - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

**PART IV*****Article 16***

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
2.
  - (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
  - (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

***Article 17***

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

***Article 18***

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

***Article 19***

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

***Article 20***

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

***Article 21***

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

***Article 22***

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

***Article 23***

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

***Article 24***

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

***Article 25***

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

**PART V*****Article 26***

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

***Article 27***

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

***Article 28***

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

***Article 29***

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

***Article 30***

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

***Article 31***

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

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## APPENDIX C

### **Convention on the Elimination of All Forms of Discrimination against Women**

**Adopted and opened for signature, ratification and accession by  
General Assembly resolution 34/180 of 18 December 1979**

***entry into force 3 September 1981, in accordance with article 27(1)***

#### ***The States Parties to the present Convention,***

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

### *Article 1*

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### *Article 2*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### *Article 3*

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### *Article 4*

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.



***Article 5***

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

***Article 6***

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

**PART II*****Article 7***

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

***Article 8***

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

***Article 9***

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### PART III

#### *Article 10*

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### *Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### ***Article 12***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### ***Article 13***

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### ***Article 14***

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in

family planning;

- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## **PART IV**

### ***Article 15***

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### ***Article 16***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of

children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### ***Article 17***

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### ***Article 18***

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

***Article 19***

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

***Article 20***

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

***Article 21***

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

***Article 22***

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

**PART VI*****Article 23***

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

***Article 24***

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

***Article 25***

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### ***Article 26***

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### ***Article 27***

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### ***Article 28***

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### ***Article 29***

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.



**Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

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Geneva, Switzerland

## APPENDIX D

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by

General Assembly resolution 44/25

of 20 November 1989

**entry into force 2 September 1990, in accordance with article 49**

**Preamble**

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, '

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## **PART I**

### *Article 1*

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### *Article 2*

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### *Article 3*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### *Article 4*

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### *Article 5*

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### *Article 6*

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### *Article 7*

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular

where the child would otherwise be stateless.

#### *Article 8*

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### *Article 9*

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### *Article 10*

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

*Article 11*

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

*Article 12*

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

*Article 13*

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

**Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

*Article 15*

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### *Article 16*

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

#### *Article 17*

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### *Article 18*

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### *Article 19*

1. States Parties shall take all appropriate legislative, administrative, social and educational

measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### *Article 20*

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### *Article 21*

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

### *Article 22*

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as



any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

*Article 23*

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### *Article 24*

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### *Article 25*

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### *Article 26*

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

*Article 27*

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

*Article 28*

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

*Article 29*

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### *Article 30*

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### *Article 31*

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### *Article 32*

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the

present article.

*Article 33*

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

*Article 34*

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

*Article 35*

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

*Article 36*

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

*Article 37*

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

*Article 38*

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

*Article 39*

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

*Article 40*

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - (i) To be presumed innocent until proven guilty according to law;
    - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### *Article 41*

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

### *PART II*

#### *Article 42*

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### *Article 43*

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### *Article 44*

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:



(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### *Article 45*

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### *PART III*

#### *Article 46*

The present Convention shall be open for signature by all States.

*Article 47*

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 48*

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 49*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

**Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

*Article 51*

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the

Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

*Article 52*

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

*Article 53*

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

*Article 54*

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

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